

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

----- X
:
In the Matter of :
:
JOANNA ZMIJEWSKI :
:
Respondent. :
:
----- X

DISPOSITION

COIB Case No. 2013-771g

WHEREAS, the New York City Conflicts of Interest Board (the “Board”) commenced an enforcement action pursuant to Section 2603(h)(1) of the City of New York’s conflicts of interest law, Chapter 68 of the New York City Charter (“Chapter 68”), against Joanna Zmijewski (“Respondent”); and

WHEREAS, the Board and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED, by and among the parties, as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:

- a. From February 1, 1982, to June 2, 2016, I was employed by the Office of the Kings County District Attorney (“KCDA”), most recently as a Principal Administrative Associate. As such, I was, at all relevant times, a “public servant” within the meaning of and subject to Chapter 68.
- b. Throughout the 2013 re-election campaign of Kings County District Attorney Charles Hynes (“the Campaign”), I served as Hynes’s primary administrative assistant at KCDA.
- c. During my KCDA work hours, I regularly used my KCDA email account, KCDA computer, and KCDA telephone to perform scheduling work for the Campaign, including coordinating Hynes’s attendance at political club pre-endorsement interviews, community forums, television and radio appearances, appointments with reporters, campaign stops, and fundraisers.
- d. During my KCDA work hours, I regularly used my KCDA email account, my KCDA computer, my KCDA telephone, and KCDA printers to perform administrative tasks for the Campaign. These tasks included typing thank-you notes to Campaign donors, printing dozens of Campaign-related documents,

emailing Campaign documents, editing Campaign statements, and fielding Campaign-related telephone calls.

e. I acknowledge that, by performing work for the Campaign at times when I was required to perform work for KCDA, I used City time for a non-City purpose in violation of City Charter § 2604(b)(2), pursuant to Board Rules § 1-13(a), which state respectively:

No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

Except as provided in subdivision (c) of this section, it shall be a violation of City Charter § 2604(b)(2) for any public servant to pursue personal and private activities during times when the public servant is required to perform services for the City.

f. I acknowledge that, by performing work for the Campaign using my KCDA email account, KCDA computer, KCDA printers, and KCDA telephone to perform work for the Campaign, I used City resources and supplies for a non-City purpose in violation of City Charter § 2604(b)(2), cited above, pursuant to Board Rules § 1-13(b), which states:

Except as provided in subdivision (c) of this section, it shall be a violation of City Charter § 2604(b)(2) for any public servant to use City letterhead, personnel, equipment, resources, or supplies for any non-City purpose.

2. The Board considered prior cases in which public servants misused City time and City resources for political campaigns, the amount of Respondent's misuse of City time and City resources, and that Respondent engaged in these improper activities at the request of her superior, the Kings County District Attorney, in determining that the appropriate penalty in this case is a fine of Three Thousand Dollars (\$3,000.00).

3. Respondent agrees to the following:

- a. I agree to pay a fine of Three Thousand Dollars (\$3,000) to the Board by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," at the time of my signing this Disposition.
- b. I agree that this Disposition is a public and final resolution of the Board's charges against me.
- c. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before

any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the Board, or any members or employees thereof relating to, or arising out of this Disposition or the matters recited therein.

- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress and having been represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

4. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively state that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

5. This Disposition shall not be effective until all parties have affixed their signatures below.

Dated: January 2, 2018

Joanna Zmijewski
Joanna Zmijewski
Respondent

Dated: January 3, 2018

Patrick J. Mulhern Jr.
Patrick J. Mulhern, Jr.
Mulhern & Klein
Counsel for Respondent

Dated: 3/23, 2018

Richard Briffault
Richard Briffault
Chair
NYC Conflicts of Interest Board